

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCUS BECERRA, et al.,

Plaintiff(s),

No. C 11-3586 PJH

v.

ORDER

RADIOSHACK CORPORATION,

Defendant(s).

Before the court is plaintiffs' motion for administrative relief in which they request that the September 7, 2011 hearing on defendant's motion to dismiss, be continued until after their motion to remand is heard on September 28, 2011. Defendant opposes the motion on the merits and because it should have been filed as a duly noticed motion under Civ. L.R. 7-7 instead of an administrative request under Civ. L.R. 7-3. While defendant may be correct that Civ. L.R. 7-3 does not provide the authority for plaintiffs' motion, defendant is not correct that Civ. L.R. 7-7 is the only proper vehicle by which to request an order changing a hearing date. See Civ. L.R. 6-1 and 6-3. Given that plaintiffs could also have filed a motion to change time which is heard on the same schedule as a motion for administrative relief, and could have simply requested an order shortening time within which to have a formal motion heard, defendant's objections are overruled.

As to the merits, it is this court's practice, in an effort to conserve judicial resources to the extent possible, to always continue hearings to one date when multiple hearings are scheduled. Moreover, several matters on September 7, 2011 are being continued in any event as there are more matters than can be heard already scheduled for that day. Accordingly, as the motion to dismiss is fully briefed, it will be heard on the same day as the

1 motion to remand, unless upon reading the motions the court decides the motion to remand
2 on the papers first. As the September 28, 2011 calendar is also already too full, both
3 motions will be heard on **October 5, 2011 at 9:00 a.m.**

4 **IT IS SO ORDERED.**

5 Dated: August 24, 2011



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PHYLLIS J. HAMILTON
United States District Judge